

Service Date: September 29, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER of the Application)	UTILITY DIVISION
of Hot Springs Telephone Company for)	
a Protective Order for Miscellaneous)	Docket No. N2000.9.150
Nondocket Filings)	Order No. 6273

PROTECTIVE ORDER

Background and Discussion

1. On June 28, 1996 the Montana Public Service Commission (Commission or PSC) issued Protective Order No. 5921 in Docket No. N96.5.87, covering "miscellaneous tariff or nondocket information claimed to be trade secret by Hot Springs when submitted in conjunction with various tariff and miscellaneous filings, other nondocket filings, filings in response to informal information requests by the PSC, and similar informal filings made before the PSC." Id. at 2. This Order, usually referred to as a "generic protective order," was effective on June 18, 1996, and terminated on June 18, 2000. Id. at 7. On September 11, 2000, Hot Springs Telephone Company (Hot Springs), by letter request, asked the Commission to renew and extend Order No. 5921 for an additional four years.

2. The Commission will grant Hot Springs' request in substantial part, and deny in part. Subsequent to the issuance of Order No. 5921, effective July 28, 2000, the Commission adopted new protective order rules (ARM 38.2.5001 – 5030). These rules contain few, if any, substantive changes to the protective orders the Commission has typically issued. But they do require changes to the usual manner of requesting protective orders, and they eliminate the need of issuing protective orders that contain all substantive terms and conditions. Henceforth, protective orders will include most substantive terms by reference to Commission rule. It is hoped that this will be more efficient for parties and the Commission.

3. The Commission considers Hot Springs, by its letter request of September 8, 2000, to have filed a motion for a generic protective order pursuant to ARM 38.2.5004, covering those kinds of tariff and miscellaneous filings previously covered by Order No. 5921. That motion is granted. To the extent the letter request is a motion to issue an order exactly in the form of Order No. 5921, that motion is denied.

4. In addition, this protective order is qualified as follows: On September 20, 2000, the Commission issued Order No. 6270, Docket No. N2000.8.119, granting Qwest a generic protective order, but declining to protect under that order information provided pursuant to annual report schedules 23 and 24 (central office line and switch information), because that information is accessible by other means and thus not trade secret pursuant to § 30-14-402, MCA. The Commission also determined that Qwest employee compensation will not be covered by the generic protective order. To be consistent, similar information will not be protected by this order. If Hot Springs believes the Commission should distinguish between Qwest and Hot Springs in this regard, it should so argue on reconsideration.

ORDER

5. Hot Springs' motion for a generic protective order pursuant to ARM 38.5.5004 is granted with the limitations discussed above. Information submitted by Hot Springs in accordance with this order will be treated as "confidential information" under the terms of this order and Commission protective order rules, ARM 38.5.5001 – 5030. This order will be in effect until September 19, 2004.

DONE AND DATED this 19th day of September, 2000, by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chair

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Reconsideration of this order is not allowed. ARM 38.2.5008(2); ARM 38.2.4806(7). A challenge to this order may be made pursuant to ARM 38.2.5008(3).

Nondisclosure Agreement

ARM 38.2.5012

Docket No. N2000.9.150, Order No. 6273
Order Action Date September 19, 2000

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented